

# **EXHIBIT CY**

## **[PUBLIC VERSION]**

**CONFIDENTIAL**

**IN ACCORDANCE WITH A PROTECTIVE ORDER, THE ENCLOSURE(S)  
SHALL BE TREATED AS CONFIDENTIAL AND SHALL NOT BE SHOWN TO  
ANY PERSON OTHER THAN THOSE PERSONS DESIGNATED IN  
PARAGRAPH 8.2 OF THE PROTECTIVE ORDER.**

**Meadors Court Reporting**

**\*\*\* CONFIDENTIAL \*\*\***

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

**Civil Action No. 1:22-cv-00125-SWS**

---

**DEPOSITION OF ZEV SHIMKO  
November 30, 2023**

---

**CUSTODIA BANK, INC.,**

**Plaintiff,**

**vs.**

**FEDERAL RESERVE BOARD OF GOVERNORS and FEDERAL  
RESERVE BANK OF KANSAS CITY,**

**Defendants.**

---

**APPEARANCES:**

**WILLIAMS & CONNOLLY, LLP**

**By Lauren A. Weinberger, Esq.  
Russell Mendelson, Esq. (via Zoom)  
680 Maine Avenue SW  
Washington, DC 20024  
202.434.5953  
lweinberger@wc.com  
rmendelson@wc.com  
Appearing on behalf of  
Custodia Bank, Inc.**

**KING & SPALDING, LLP**

**By Jared M. Lax, Esq.  
1401 Lawrence Street  
Suite 1900  
Denver, Colorado 80202  
720.535.2320  
jlax@kslaw.com  
Appearing on behalf of  
Federal Reserve Bank of Kansas City**

**Meadors Court Reporting**

1 Custodia multiple times to open with a correspondent  
2 bank?

3 A I recall hearing something similar from  
4 Caitlin, yes.

5 Q What do you recall hearing?

6 A I recall Caitlin providing a summary of an  
7 interaction or meeting with President George where  
8 President George stated something along the lines of,  
9 Why doesn't Custodia just open up with a  
10 correspondent bank?

11 Q Okay. Do you recall how Custodia's  
12 responded?

13 A I don't specifically recall how we  
14 responded in that point in time. I know that we had  
15 communicated that we felt it was a disadvantage to  
16 open up with a correspondent or partner bank,  
17 because, for example, it does result in a higher cost  
18 to us as control over the program and reliance on a  
19 third party.

20 Q Did Custodia ever open with a  
21 correspondent bank?

22 A We did.

23 Q When was that?

24 A We started to facilitate payments in late  
25 2022 with a partner bank. And then later in 2023 is

1 when we started to onboard external customers.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] at

8 one point in time, it was communicated to us that

9 they were receiving regulatory pressure and would not

10 be able to continue with the relationship.

11 Q And when did the relationship end?

12 A I don't recall the specific date. I

13 believe it would have been around early 2023.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

25 Q You could put that document aside.